IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MRS. JUSTICE K.HEMA

TUESDAY, THE 20TH NOVEMBER 2007 / 29TH KARTHIKA 1929

OP.No. 2496 of 1998(V)

PETITIONER:

THE UNITED INDIA INSURANCE COMPANY LIMITED., MAIN ROAD, NENMARA, REPRESENTED BY ITS DEPUTY MANAGER, THIRD PARTY CLAIMS CELL, M.G.ROAD, ERNAKULAM.

BY ADV. SRI.SIBY MATHEW
SMT.P.A.REZIYA

RESPONDENTS:
----

1. **MANI, AGED 31 YEARS,S/O.VASUTHANANDAN, CHOORAKKODE HOUSE, MANGALAM DAM, VANDAZHI, ALATHUR TALUK, PALAKKAD DISTRICT.**

2. **SMT. K.MALLIKA, W/O.C.K.MADHAVAN, AGE NOT KNOWN, CHEMBRA HOUSE, P.O.THAVANOOR, KEECHERRY, THRISSUR DISTRICT (R.C.OWNER OF KRH 5459 BUS).**

3. **C.SAHADEVAN, SON OF CHAMI, AGED 34 YEARS, PAZHATHARA VEEDU, CHERAMANGALAM, ALATHUR TALUK, (DRIVER OF BUS KRH 5459).**

4. **THE NEW INDIA ASSURANCE COMPANY LTD., KUNNAMKULAM, THRISSUR DISTRICT I.C.NO.317603025/831, (INSURER OF BUS KRH 5459).**

5. **K.M.MOHAMMED, S/O.MANU, AGED NOT KNOWN, KARIMBA, P.O. KARIMBA, MANNARKKAD, PALAKKAD DISTRICT. (R.C.OWNER OF JEEP NO.KLM 8366).**

6. **R.RADHAKRISHNAN, SON OF RAGHAVAN, AAGED 25 YEARS, AYAKKAD, PORUVAYI, VADAKKANCHERRY, ALATHUR TALUK, (DRIVER OF JEEP NO.KLM 8366).**

7. **ADDITIONAL MOTOR ACCIDENTS CLAIMS TRIBUNAL,PALAKKAD.**

BY ADV. SRI.LAL GEORGE for R4
SMT.I.SHEELA DEVI for R6

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 20/11/2007 ALONG WITH OP.NO.4273 OF 1998 AND OP.NO.4274 OF 1998, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON C.M.P.NO.4365/1998 IN O.P.NO.2496/1998 V

DISMISSED

20/11/2007 **SD/- J.B.KOSHY, JUDGE**

SD/- K.HEMA, JUDGE

APPENDIX

PETITIONER'S EXHIBIT:

EXT.P1: **TYPED COPY OF THE COMMON AWARD DTD. 30/09/1997 ON THE FILE OF THE ADDL.MOTOR ACCIDENTS CLAIMS TRIBUNAL, PALAKKAD.**

/TRUE COPY/

P.A.TO JUDGE

KSS

J.B.KOSHY & K.HEMA, JJ.

O.P.NOS.2496, 4273 & 4274 OF 1998 ()

Dated this the 20th day of November, 2007

J U D G M E N T

KOSHY,J.

These writ petitions are filed against the award of the Motor Accident Claims Tribunal. In all the impugned awards, compensation amount awarded is below Rs.10,000/-. Section 173 (2) of the Motor Vehicles Act reads as follows:

> (2) No appeal shall lie against any award of a Claims Tribunal, if the amount in dispute in the appeal is less than ten thousand rupees.

Under the Motor Vehicles Act, if the amount awarded is below Rs.10,000/-, it cannot be challenged in an appeal. When the appeal is prohibited to be filed, statutory prohibition cannot be overruled by filing writ petition. Here these writ petitions are not maintainable. Hence these writ petitions are dismissed.

J.B.KOSHY, JUDGE

K.HEMA, JUDGE

prp

J.B.KOSHY & K.HEMA, JJ.

O.P.NOS.2496, 4273 & 4274 OF 1998 ()

J U D G M E N T

20th November, 2007